

**REPORT OF THE AUDIT OF THE
PERRY COUNTY
SHERIFF'S SETTLEMENT - 2003 TAXES**

November 16, 2004



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky
Honorable Ernie Fletcher, Governor
Robbie Rudolph, Secretary
Finance and Administration Cabinet
Honorable Denny Noble, Perry County Judge/Executive
Honorable Pat Wooton, Perry County Sheriff
Members of the Perry County Fiscal Court

The enclosed report prepared by Ross & Company, PLLC, Certified Public Accountants, presents the Perry County Sheriff's Settlement - 2003 Taxes as of November 16, 2004.

We engaged Ross & Company, PLLC to perform the financial audit of this statement. We worked closely with the firm during our report review process; Ross & Company, PLLC evaluated the Perry County Sheriff's internal controls and compliance with applicable laws and regulations.

Respectfully submitted,

Crit Luallen
Auditor of Public Accounts

Enclosure



**REPORT OF THE AUDIT OF THE
PERRY COUNTY
SHERIFF'S SETTLEMENT - 2003 TAXES**

November 16, 2004

ROSS & COMPANY, PLLC
Certified Public Accountants
800 Envoy Circle
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
PERRY COUNTY
SHERIFF'S SETTLEMENT - 2003 TAXES

November 16, 2004

Ross & Company, PLLC has completed the audit of the Sheriff's Settlement - 2003 Taxes for Perry County Sheriff as of November 16, 2004. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$8,453,666 for the districts for 2003 taxes, retaining commissions of \$275,320 to operate the Sheriff's office. The Sheriff distributed taxes of \$8,170,128 to the districts for 2003 Taxes. Taxes of \$1,676 are due to the districts from the Sheriff and refunds of \$304 are due to the Sheriff from the taxing districts.

Report Comment:

- Lacks Adequate Segregation Of Duties

Deposits:

The County Sheriff's deposits were insured and collateralized by bank securities or bonds.

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Independent Auditor's Report

We have audited the Perry County Sheriff's Settlement - 2003 Taxes as of November 16, 2004. This tax settlement is the responsibility of the Perry County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Perry County Sheriff's taxes charged, credited, and paid as of November 16, 2004, in conformity with the modified cash basis of accounting.

To the People of Kentucky
Honorable Ernie Fletcher, Governor
Robbie Rudolph, Secretary
Finance and Administration Cabinet
Honorable Denny Noble, Perry County Judge/Executive
Honorable Pat Wooton, Perry County Sheriff
Members of the Perry County Fiscal Court

In accordance with Government Auditing Standards, we have also issued our report dated January 31, 2005, on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ross & Company".

Ross & Company, PLLC

Audit fieldwork completed -
January 31, 2005

PERRY COUNTY
PAT WOOTON, COUNTY SHERIFF
SHERIFF'S SETTLEMENT - 2003 TAXES

November 16, 2004

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 628,982	\$ 746,720	\$ 2,325,752	\$ 728,025
Tangible Personal Property	209,867	333,567	793,701	731,439
Intangible Personal Property				146,090
Fire Protection	4,311			
Increases Through Exonerations	840	1,002	3,098	1,223
Franchise Corporation	182,547	265,661	676,137	
Additional Billings	5,598	8,264	21,070	17,709
Unmined Coal - 2003 Taxes	172,569	203,471	636,317	199,300
Oil and Gas Property Taxes	55,025	65,073	202,876	63,638
Penalties	12,113	14,737	44,645	16,407
Adjusted to Sheriff's Receipt	12	11	1	7
Gross Chargeable to Sheriff	<u>\$ 1,271,864</u>	<u>\$ 1,638,506</u>	<u>\$ 4,703,597</u>	<u>\$ 1,903,838</u>
<u>Credits</u>				
Exonerations	\$ 20,713	\$ 28,222	\$ 77,380	\$ 48,879
Discounts	13,585	17,173	50,245	24,213
Delinquents	59,602	70,989	218,770	69,731
Uncollected Franchise	60,951	84,290	219,396	
Total Credits	<u>\$ 154,851</u>	<u>\$ 200,674</u>	<u>\$ 565,791</u>	<u>\$ 142,823</u>
Taxes Collected	\$ 1,117,013	\$ 1,437,832	\$ 4,137,806	\$ 1,761,015
Less: Commissions (a)	<u>47,761</u>	<u>61,108</u>	<u>91,320</u>	<u>75,131</u>
Taxes Due	\$ 1,069,252	\$ 1,376,724	\$ 4,046,486	\$ 1,685,884
Taxes Paid	1,068,180	1,375,594	4,042,526	1,683,828
Refunds (Current and Prior Year)	<u>926</u>	<u>1,205</u>	<u>3,452</u>	<u>1,263</u>
Due Districts or (Refunds Due Sheriff) as of Completion of Fieldwork	<u>\$ 146</u>	<u>(b) (75)</u>	<u>(c) 508</u>	<u>\$ 793</u>

(a),(b) and (c) See Page 4

The accompanying notes are an integral part of this financial statement.

PERRY COUNTY
PAT WOOTON, COUNTY SHERIFF
SHERIFF'S SETTLEMENT - 2003 TAXES
November 16, 2004
(Continued)

(a) Commissions:

10% on	\$	10,000	
4.25% on	\$	4,305,860	
	\$	4,137,806	*

* The Schools charged the Sheriff with the actual cost of collecting the commissions rather than a percentage.

(b) Special Taxing Districts:

Library District	\$	(287)
Health District		(17)
Extension District		22
Soil Conservation District		5
Buckhorn District		202

Due Districts or (Refunds Due Sheriff)	\$	<u>(75)</u>
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(c) School Districts:

Common School District	\$	436
Hazard Independent District		72

Due Districts or (Refunds Due Sheriff)	\$	<u>508</u>
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PERRY COUNTY
NOTES TO FINANCIAL STATEMENT

November 16, 2004

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 66.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of November 16, 2004, the Sheriff's deposits were fully insured at a 100% level with collateral of pledged securities held by the Sheriff's agent in the Sheriff's name.

PERRY COUNTY
NOTES TO FINANCIAL STATEMENT
November 16, 2004
(Continued)

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2003. Property taxes were billed to finance governmental services for the year ended June 30, 2004. Liens are effective when the tax bills become delinquent. The collection period for these assessments was November 1, 2003 through June 30, 2004.

B. Unmined Coal Taxes

The tangible property tax assessments were levied as of January 1, 2003. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was March 26, 2004 through August 31, 2004.

Note 4. Interest Income

The Perry County Sheriff earned \$1,839 as interest income on 2003 taxes. As of December 29, 2004, the Sheriff owes \$108 in interest to the common school, \$14 to graded school and owes \$70 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Perry County Sheriff collected \$65,805 of 10% add-on fees allowed by KRS 134.430(3). This amount will be used to operate the Sheriff's office.

Note 6. Advertising Costs And Fees

The Perry County Sheriff collected \$2,370 of advertising costs and \$985 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the county as required by statute, and the advertising fees will be used to operate the Sheriff's office.

Note 7. Unrefundable Duplicate Payments And Unexplained Receipts Should Be Escrowed

The Sheriff should deposit any unrefundable duplicate payments and unexplained receipts in an interest-bearing account. According to KRS 393.110, the Sheriff should properly report annually to the Treasury Department any unclaimed moneys. After three years, if the funds have not been claimed, the funds should be submitted to the Kentucky State Treasurer. For the 2003 taxes, the Sheriff had \$48,889 in unrefundable duplicate payments and unexplained receipts. Therefore, the Sheriff should send a written report to the Treasury Department.

COMMENT AND RECOMMENDATION

PERRY COUNTY
PAT WOOTON, COUNTY SHERIFF
COMMENT AND RECOMMENDATION

As of November 16, 2004

INTERNAL CONTROL – REPORTABLE CONDITION:

Lacks Adequate Segregation Of Duties

The Sheriff's office has a lack of segregation of duties. Due to the entity's diversity of official operations, small size and budget restrictions, the official has limited options for establishing an adequate segregation of duties. We recommend that the following compensating controls be implemented to offset this internal control weakness:

- The Sheriff should periodically compare a daily bank deposit to the daily checkout sheet and then compare the daily checkout sheet to the receipts ledger. Any differences should be reconciled. He could document this by initialing the bank deposit, daily checkout sheet, and receipts ledger.
- The Sheriff should compare the monthly tax reports to the receipts and disbursements ledgers for accuracy. Any differences should be reconciled. The Sheriff could document this by initialing the monthly tax reports.
- The Sheriff should periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. The Sheriff could document this by initialing the bank reconciliation and the balance in the checkbook.

Sheriff's Response:

None.

PRIOR YEAR:

The Sheriff Should Have A Written Agreement To Protect Deposits

This comment has been corrected and is not repeated in the current year audit.

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REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

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The Honorable Denny Noble, Perry County Judge/Executive
The Honorable Pat Wooton, Perry County Sheriff
Members of the Perry County Fiscal Court

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the Perry County Sheriff's Settlement - 2003 Taxes as of November 16, 2004, and have issued our report thereon dated January 31, 2005. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the Perry County Sheriff's Settlement - 2003 Taxes as of November 16, 2004 is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Perry County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. A reportable condition is described in the accompanying comment and recommendation.

- Lacks Adequate Segregation Of Duties

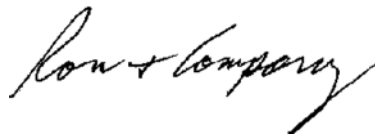
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we believe the reportable condition described above is a material weakness.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified parties.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ross & Company", is written in black ink.

Ross & Company, PLLC

Audit fieldwork completed -
January 31, 2005

